



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



DAN WYANT
DIRECTOR

April 7, 2014

CERTIFIED MAIL

Mr. Dorie Reid, President
Reid Group, LLC
P.O. Box 8711
Grand Rapids, Michigan 49518

VN No. VN-005793

Dear Mr. Reid :

SUBJECT: Violation Notice

The Department of Environmental Quality (DEQ), Water Resources Division (WRD) and Remediation and Redevelopment Division (RRD) staff inspected Ace Co LLC, located at 900 Alreco Road, Benton Harbor, Berrien County, on April 1, 2014, to determine compliance with Part 31, Water Resources Protection (Part 31), and Part 115, Solid Waste (Part 115), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the Administrative Rules promulgated there under, as amended.

During the site inspection on April 1, 2014, WRD and RRD staff observed the unlawful exposure of industrial materials to storm water with a surface water discharge without required permit coverage. Ace Companies, LLC was previously covered by Industrial Storm Water Certificate of Coverage No. MIS310576, under General Permit No. MIS310000, which expired on April 1, 2013. The facility did not submit a Notice of Intent to renew permit coverage, and is currently lacking the required storm water permit coverage.

The exposure reportedly occurred after the collapse of a roof due to snow load during the winter of 2013/2014. Ash contained in the building had been removed and placed outdoors in large concrete bins. At the time of the DEQ's inspection, the ash was uncovered, and was exposed to storm water and wind. A pallet containing calcium chloride was also stored outside. The bags were torn, allowing the calcium chloride to be released to the pavement. In addition, several significant materials were found stored indoors in an unsecured building. DEQ staff observed several drums of oil and hydraulic fluid, and approximately 40 bags of baghouse dust. Due to the unsecured nature of the site, all significant materials should be removed immediately.

Catch basins on the site appear to flow to the wetlands adjacent to the Paw Paw River. No site map was available, and the property owner was not familiar with the ultimate discharge point of the catch basins. The catch basins had outflow pipes, indicating a discharge to surface water. The outfall could not be located, but is likely covered by tall cattails. Due to the exposure to ash, all catch basins located in the area near the ash

piles need to be protected with catch basin inserts designed to collect sediment. Completely sealing certain catch basins may be the preferred option due to close proximity to the ash piles.

In addition, the site inspection of April 1, 2014, indicated that ash, dust, grit, construction debris and metal scrap were disposed of at the facility. Disposal of solid waste is regulated by Part 115, of the NREPA. Dumping of solid waste at this location represents establishment of a disposal area without a license (MCL 324.11509), and failure to dispose of solid waste at a licensed facility (MCL 324.11512), both are violations of Part 115. Enforcement actions taken pursuant to violations of Part 115 may subject you to criminal and civil fines of up to \$10,000 per violation (MCL 324.11546 & MCL 324.11549).

The violation(s) identified in this Violation Notice are continuing.

The violations identified in the Violation Notice are violations of Part 31 of the NREPA and Part 115.

Reid Group, LLC should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31 by obtaining a certified industrial storm water operator, developing a Storm Water Pollution Prevention Plan (SWPPP), implementing all nonstructural and structural controls contained in the SWPPP, and submitting the Notice of Intent for industrial storm water permit coverage.

In addition, Reid Group, LLC should take immediate action to achieve and maintain compliance with the terms and conditions of Part 115. Ash, dust and grit generated from furnaces associated with historic smelting operations at the facility are considered solid waste that must be disposed of at a licensed solid waste disposal facility or be properly recycled.

Please submit a plan with timeframe to this office by April 16, 2014. At a minimum, the response shall include:

1. Documentation (invoices, purchases orders, etc.) demonstrating that the following items have been purchased and/or ordered:
 - a. Tarps (or other impermeable covers) as necessary to cover all exposed ash piles, and
 - b. Catch basin inserts or cover plates for all catch basins to prevent ash from reaching waters of the state.
2. A detailed containment and removal plan (including specific dates) for the installation of the tarps and catch basin protection noted above, and the removal of all ash, drums, baghouse waste, calcium chloride, and any other significant materials from the site. The dates for plan implementation shall reflect the serious

risk the on-site materials represent to the environment, and therefore, represent the earliest date that your resources will allow completion of the work.

3. The date and location of the industrial storm water certified operator training that you have signed up to attend. Alternatively, you may hire a certified operator, and list his or her name and certification number.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or if you would like to arrange a meeting to discuss it, please contact either of us at Department of Environmental Quality, 7953 Adobe Road, Kalamazoo, Michigan 49009-5025 or by using the information below.

Sincerely,



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Water Resources Division
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Mike Baranoski
Kalamazoo District Office
Remediation and Redevelopment Division
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JH:MB:dmm

cc: Mr. Frank Ballo, Kalamazoo District Supervisor, RRD
Ms. Bree Bennett, Kalamazoo District Office Enforcement Coordinator, RRD
Mr. Barry Selden, Enforcement Unit, WRD